REMARKS

Applicants reply to the Office Action mailed on July 19, 2005, within the shortened statutory period for reply. Claims 1-10 were pending and the Examiner rejects claims 1-10. In reply, Applicants amend claims 1-4 and 6-10, add claims 11-14 and address the Examiner's remarks. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

DOUBLE PATENTING

The Examiner provisionally rejects claims 1-10 over claims 35, 36, 38-41, 43, and 45-47 of copending Application Nos. 10/708,825, 10/708,826, 10/708,827, 10/708,833, 10/708,835, 10/708,836, 10/710,310, 10/710,311, 10/710,315, 10/710,326, 10/710,328, and 10/710,329; over claims 34, 35, 37-40, 42, and 44-46 of copending Application Nos. 10/708,828, 10/708,830, 10/708,831, 10/708,832, 10/708,834, 10/710,317, 10/710,323, 10/710,324, 10/710,325, and 10/710,327; over claims 1-10 of copending Application No. 10/708,824; and over claims 36, 37, 39-42, 44, and 46-48 of copending Application No. 10/710,319. In addition, the Examiner provisionally rejects claims 1, 3, and 5-10 over claims 1, 3, 4, and 6-9 of copending Application No. 10/710,334; claims 1-5 and 7 over claims 1-4 and 8 of copending Application No. 10/710,307; claims 1-4 and 5-7 over claims 1, 4, 6, and 8 of copending Application No. 10/710,307; and claims 1 and 7-10 over claims 1 and 6 of copending Application No. 10/708,823. While Applicants respectfully disagree with these double patenting rejections, in the interest of compact prosecution, Applicants submit terminal disclaimers in compliance with 37 C.F.R. § 1.321(c). Applicants also assert that this non-statutory double patenting rejection is based on the above-listed applications which are all commonly owned with this application by assignee, American Express Travel Related Services Company, Inc.

35 U.S.C. § 102 REJECTIONS

The Examiner rejects claims 1-8 and 10 under 35 U.S.C. § 102 (e) as being anticipated by Black, U.S. Patent Application No. 2005/0122209 ("Black"). The Examiner notes that, "Re claim 1, Black teaches detecting a proffered biometric at a sensor communicating with the system to obtain a proffered biometric sample; verifying the proffered biometric sample and authorizing a transaction upon verification of the proffered biometric sample (FIG. 1C and abstract)." (Page 7). Applicants respectfully traverse this rejection.

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In general, Black discloses an identity authentication system comprising a device for capturing a customer signature. Black requires a user to provide an electronic signature using a stylus or other similar device ([0016], [0022]). Further, while Black discloses submitting personal data during the registration procedure (Fig. 5A), Black only discloses such personal data to be customer record numbers, customer bank account numbers, account balance, reference prints and reference signatures (Fig. 10A-B, 11A-B).

Further still, Black is limited to associating a single transaction account with the customer record (Figs. 10A-B, 11A-B, [0087]). That is, Black is limited to having a smartcard consisting of only one "customer account that is to be used for payment" ([0084]), and not a smartcard with multiple credit and/or debit accounts. Thus, Black does not teach or disclose at least "detecting a proffered biometric at a sensor communicating with said system to obtain a proffered biometric sample, wherein said proffered biometric sample is associated with at least two accounts, wherein each of said at least two accounts includes at least one of: a charge card account, a credit card account, a debit card account, a savings account, a private label account and a loyalty point account," as recited in independent claim 1.

The Examiner states that, regarding claim 5, McCall et al., U.S. Application No. 2003/0132297, ("McCall") "store/log signatures," Haala et al., U.S. Application No. 2005/0102524, ("Haala") "teaches recording details if authentication fails, and Segal et al., U.S. Application No., U.S. 2002/0066784, ("Segal") "teaches that a signature is bundled with transaction data and stored in a database to effect proof of a transaction." (Page 7). Neither Black, McCall, Haala, Segal, nor any combination thereof, teach or disclose at least "detecting a proffered biometric at a sensor communicating with said system to obtain a proffered biometric sample, wherein said proffered biometric sample is associated with at least two accounts, wherein each of said at least two accounts includes at least one of: a charge card account, a credit card account, a debit card account, a savings account, a private label account and a loyalty point account," as recited in independent claim 1.

Claims 2-8 and 10 depend from claim 1 and contain all of the elements thereof. Therefore, Applicants assert that claims 2-8 and 10 are differentiated from the cited reference at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-8 and 10.

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35 U.S.C. § 103 REJECTIONS

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Black. The Examiner notes that, "re claim 9, Black teaches an embodiment where a transponder has information (fingerprint) stored on the device itself, and another embodiment where the signature is stored remotely (paragraph [0090]+) for security reasons. Accordingly, it is obvious that such data storage can be applied to a smartcard, as Black has already taught that the invention can relate to smartcard, transponders, etc." (Page 9). Applicants respectfully traverse this rejection.

As discussed above, Black is limited to associating a single transaction account with the customer record (Figs. 10A-B, 11A-B, [0087]). That is, Black is limited to having a smartcard consisting of only one "customer account that is to be used for payment" ([0084]), and not a smartcard with multiple credit and/or debit accounts. Thus, Black does not teach or let alone suggest at least "detecting a proffered biometric at a sensor communicating with said system to obtain a proffered biometric sample, wherein said proffered biometric sample is associated with at least two accounts; wherein each of said at least two accounts includes at least one of: a charge card account, a credit card account, a debit card account, a savings account, a private label account and a loyalty point account," as recited in independent claim 1.

Claim 9 depends directly from claim 1 and contains all of the elements thereof. Therefore, Applicants assert that claim 9 us differentiated from the cited reference at least for the same reasons as set forth above, in addition to its own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 9.

NEW CLAIMS 11-15

New claims 11-15 depend from claim 1 and contain all of the elements thereof. Therefore, Applicants assert that new claims 11-15 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features.

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CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. No new matter is added in this Reply. Reconsideration of the application is thus requested. **The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.** Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general. A duplicate copy of this request is enclosed for your use.

Respectfully submitted,

Dated: __August 29, 2005__   By: _____

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